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— *Parliamentary Government* is undoubtedly one of the most valuable books in the English language (if not the most valuable) on the government and administration of England. Certainly no other gives so much detailed information ; and very few are so broad in their scope. It is the only English work of any scientific value which treats of the organization and action of the English executive departments.

F. J. G.

*The Swiss Confederation.* By Sir FRANCIS OTTIWELL ADAMS, K.C.M.G., C.B., late Her Majesty's Envoy Extraordinary and Minister Plenipotentiary at Bern, and C. D. CUNNINGHAM. London, Macmillan & Co., 1889.—8vo, 289 pp.

A decided merit of this book is the familiarity it shows with the practical working of Swiss institutions, a result of the residence of the authors in Switzerland and their acquaintance with many of its leading men. Chapters on the legislative and executive departments, the federal and cantonal judiciary, the *referendum*, political parties, the communes, the cantons, the army, religion, education, commerce and other subjects give a good deal of interesting information which an ordinary manual would not be expected to contain. We are told, for example, that the Federal Council is not made up exclusively of representatives of the dominant party ; and the willingness to give other parties representation in this executive board is attributed to the diversity of nationality and language which prevents the division of the chambers into a ministerial and an opposition party, although it is no doubt due in part to the dependence of the Federal Council on the legislature whose will it carries into effect.

But despite its merits this book cannot be regarded as a contribution to the study of political science. The authors show little grasp of the comparative method, and they are not always accurate. The convention of Stanz, concluded nearly four centuries before the creation of a federal state, is spoken of as still further increasing federal sovereignty, while the Swiss federal state and the United States of America are referred to as leagues. The fact that the ultimate decision lies with the people through the *referendum* is suggested as an explanation of the lack of authority on the part of the supreme federal tribunal to declare laws unconstitutional. This explanation wholly disregards the fact that in the United States, where the courts have this power, the federal constitution is not made by Congress but by other organs of the people ; while in the single commonwealths, where the courts again exercise this power, the constitutions are commonly adopted by popular vote, *i.e.*, by *referendum*. When we remember that the right to declare laws void is not regarded throughout Europe generally as judicial in its character and hence has

not been entrusted to the courts, we have the true explanation of the incompetence of the Swiss courts in this regard. In the chapter comparing the institutions of Switzerland with those of the United States occurs the statement that the number of cabinet ministers in the latter country "rests upon no law, and is in the discretion of the President."

R. HUDSON.

*International Law.* A Series of Lectures delivered before the University of Cambridge, 1888. By HENRY SUMNER MAINE, K.C.S.I. New York, Henry Holt & Co., 1888.—8vo, 234 pp.

It is with a renewed and keen regret that the admirers of Henry Sumner Maine will read this last and posthumous volume of his writings, reminding them as it does on every page how great is the loss which English jurisprudence has sustained by his death. The lectures of which this volume is made up were not prepared for the press by the author; but his literary executors, Mr. Frederic Harrison and Mr. Frederick Pollock, found the manuscript in such shape that no editorial work was needed "except . . . to clear the sense of an occasional passage, which in the copy as it stood was obscure or plainly defective."

No one will seek, in a body of twelve lectures delivered to students, a handbook of international law or anything more than an introduction to its study. But such an introduction necessarily treats the philosophical side of the subject, the nature, origin and sanction of international law; and certain chapters contain, as anything written by Maine might be expected to contain, interesting and suggestive passages.

In certain places the author seems to assign to international law, or at least to some portion of it which he regards as "natural" and "necessary," a divine origin and sanction (pages 22, 35). But "positive" international law rests, in his opinion, upon usage. He compares (page 19) the appearance, growth and general acceptance of the modern doctrine in the seventeenth and following centuries to the preceding and strikingly analogous phenomenon of the reception of the Roman law:

In truth, far the most influential cause of the extension of particular laws and of particular systems of law over new areas was the approval of them by literate classes, by clergymen and lawyers, and the acquiescence of the rest of the community in the opinions of these classes. When then we are asked by what legislative authority international law came to be adopted so as to make it binding on particular communities, we should rejoin that the same question must first be put respecting the extension of Roman law, and of every other system of law which, before the era of legislatures, gave proof of possessing the same power of self-propagation.

It is also true, as Maine goes on to say, that the reception of the Roman law prepared the way for the development of modern international law;